S.B.CIVIL WRIT PETITION NO.6434/2006

Smt.Harita Malani & Anr.
V.
State of Rajasthan & Ors.

Date of Order :: 14th December, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.R.Singhvi, for the petitioners.
Mr. Ravi Bhansali, for the respondents.

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In pursuant to an advertisement dated 27.7.2006 issued by Principal, M.L.V. Textile & Engineering College, Bhilwara (An autonomous engineering college of Government of Rajasthan), the petitioners faced selection proceedings for the purpose of appointment to the post of Lecturers in the subject of Electronics. The Executive Council of the College in its meeting held on 19.9.2006 decided to re-advertise the vacancies for the subject of Electronics. Being aggrieved by the same this petition for writ is preferred.

It is contended by counsel for the petitioners that the recommendations made by the selection committee have been turned down by the Executive Council on totally a non-existent ground for extraneous consideration. It is asserted that against the existing two vacancies number of applications were received and in all 12 candidates were found eligible for being considered and the selection committee made

its recommendation after examining their suitability, as such it is absolutely wrong to say that less number of applications were received to be considered for the purpose of appointment as Lecturers in the subject of Electronics.

In reply to the writ petition it is asserted that the Executive Council decided to hold fresh selection proceedings due to receipt of less number of applications to be considered for appointment as Lecturers in the subject of Electronics.

It is pertinent to note before proceeding further that the petitioners are already in employment of the respondent college since July, 2003 as visiting lecturers.

Heard counsel for the parties.

The petitioners alongwith 12 other persons faced selection proceedings conducted by the respondents for the purpose of appointment to the post of Lecturers in the subject of Electronics. Against existing two vacancies the 12 persons were found eligible and they were subjected to a written test followed by interview. The selection committee thereafter made its recommendations but the same was not accepted by the Executive Council. The only reason given is that a less number of applications were

received in pursuant to the advertisement dated 27.7.2006 for making appointments to the post of Lecturers in the subject of Electronics. The applications in pursuant to the advertisement referred above were received by the respondents prior to holding of written test and interviews. If the respondents were of the opinion that number of applications is less than appropriate course was not to hold the selection proceedings and to advertise the vacancies afresh. The respondents after receiving the applications choose to proceed with the selection proceedings and only after making recommendations by the selection committee decided to hold the selections afresh. It is pertinent to note that the respondents nowhere said that the petitioners are not suitable to be appointed as Lecturers in the subject of Electronics. The reason on basis of that the respondents want to proceed for fresh selections is apparently unjust and arbitrary. The employer have a right to make appointment of a suitable person, however, after holding selection proceedings there should be some cogent and just reason to cancel the selection proceedings.

In the instant matter the respondents after reaching at a conscious decision to treat the 12 persons eligible conducted the selection proceedings and the recommendations by the selection committee was forwarded to the Executive Council. The consideration

of 12 persons against two vacancies for the post of Lecturers cannot be held inadequate, the respondents, therefore, cancelled the selection proceedings erroneously.

The writ petition accordingly deserves to be allowed, hence the same is accepted. The decision of the Executive Council of M.L.V. Textile & Engineering College, Bhilwara for re-advertising the vacancies pertaining to the post of Lecturers in the subject of Electronics is declared illegal with a direction to consider the recommendations of the selection committee made in pursuant to the selection proceedings taken under the advertisement dated 27.7.2006.

No order to costs.

(GOVIND MATHUR),J.

kkm/ps.